

Second Amendment and Response Under 37 C.F.R. 1.116

Applicant: Jeffrey W. Chambers

Serial No.: 10/812,250

Filed: March 29, 2004

Docket No.: C364.105.101

Title: STENT POSITIONING SYSTEM AND METHOD

REMARKS

The following remarks are made in response to the Final Office Action mailed July 26, 2007, the Advisory Action mailed September 25, 2007, and the telephone interview held October 24, 2007. In the Final Office Action, claims 28-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lenker et al., U.S. Patent No. 5,683,451 (“Lenker”) in view of Lam, U.S. Patent No. 5,607,444 (“Lam”).

With this Response, claim 28 has been amended. Claims 28-41 remain pending in the application and are presented for consideration and allowance.

Examiner Interview

A telephone interview was held between the Examiner and Applicant’s representative on October 24, 2007. The pending claims were discussed relative to Lenker and Lam. Possible claim amendments were reviewed, but no agreement was reached. Pursuant to the Examiner’s request, claim 28 has been amended and is presented for consideration.

35 U.S.C. §103 Rejections

In the September 25, 2007 Advisory Action, the Examiner stated that “It is noted that features upon which applicant relies (i.e., deployment of the rods prior to and separate from deployment of the stent) are not recited in a rejected claim(s).” As explained during the telephone interview, it is respectfully submitted that claim 28 does, in fact, provide for an order in which certain features occur. In particular, claim 28 provides delivering a stent to a desired stent location, with this desired stent location being based upon “the determined position of the ostium.” Thus, the “position of the ostium” must be “determined” prior to determining the “desired stent location” (and thus prior to delivering the stent to the desired stent location). Claim 28 further recites that the position of the ostium is “determined” by contacting structures proximate the ostium with at least one of the plurality of rods. Thus, in accordance with claim 28, the rods must contact the structures proximate the ostium to determine a position of the ostium prior to delivering the stent. Given this explanation, it is respectfully submitted that claim 28 is allowable over the cited art.

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Notwithstanding the above, and in effort to expedite prosecution, claim 28 has been amended to recite that the extended plurality of rods collectively define a maximum outer dimension that is greater than a maximum dimension of the ostium of the vessel to be stented. As is clear from FIGS. 5-8 of Lenker, the runners/rods 42 are never arranged to a dimension or diameter greater than a dimension or diameter of the body lumen 60, and thus never to a dimension greater than an ostium of the body lumen 60. Further, amended claim 28 recites that at least one of the plurality of rods contacts structures apart from the vessel to be stented at a point immediately proximate the ostium of the vessel to be stented. As set forth in claim 28, it is this contact that facilitates the determination of a position of the ostium. Nothing in Lenker teaches or reasonably makes obvious a methodology in accordance with these features.

In light of the above, it is respectfully submitted that amended claim 28, as well as claims 29-41 depending therefrom are allowable over the cited art.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 28-41 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 28-41 are respectfully requested. No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

Any inquiry regarding this Amendment and Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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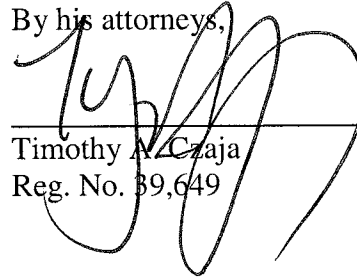
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Respectfully submitted,

Jeffrey W. Chambers,

By his attorneys,

A handwritten signature in black ink, appearing to read "Timothy A. Czaja", is written over a horizontal line.

Timothy A. Czaja

Reg. No. 39,649

Date:

October 25, 2007

TAC:jms